

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                              |   |                      |
|------------------------------|---|----------------------|
| IN THE MATTER OF MOVING      | ) |                      |
| MAGISTRATE JUDGE PIESTER'S   | ) |                      |
| REMAINING OMAHA CIVIL AND    | ) | MEMORANDUM AND ORDER |
| CRIMINAL CASES, HEARINGS AND | ) |                      |
| CONFERENCES TO LINCOLN.      | ) |                      |

"Omaha" cases are no longer being assigned to the Honorable Richard G. Kopf or to the undersigned magistrate judge. As a result, Judge Kopf has determined it is not efficient for him to continue to travel to Omaha and to block off time to try cases in Omaha or to conduct pretrial hearings and conferences in Omaha. The same applies to me. Therefore, all such "Omaha" trials and hearings currently assigned to me will be tried or otherwise disposed of in Lincoln, unless special considerations are involved, in which case counsel should discuss them with me at a telephone conference. All other pending Omaha civil and criminal matters assigned to me will be moved for hearing or trial to Courtroom Number Two in Lincoln, Nebraska.<sup>1</sup>

IT THEREFORE HEREBY IS ORDERED,

1. The following **criminal** hearings are moved to Lincoln:

| <u>Date</u> | <u>Time</u> | <u>Matter</u>   |
|-------------|-------------|---|
| 12/20/05    | 10:00 a.m.  | Plea, USA v. Carey R. Carlson, 8:04CR197                |
| 12/20/05    | 1:00 p.m.   | Suppression Hearing, USA v. Veronica Jimenez, 8:05CR312 |

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<sup>1</sup>Despite the fact that cases have been moved to Lincoln, the same dates and times as previously scheduled have been maintained.

2. The following **civil** hearings and trials are moved to Lincoln:

|          |            |   |
|----------|------------|---|
| 12/20/05 | 11:00 a.m. | Pretrial Conference, Carroll v. Allied Construction, 8:04cv344                |
| 2/14/06  | 9:00 a.m.  | Pretrial Conference in Nero v. Omaha Housing Authority, 8:05CV86              |
| 2/14/06  | 10:00 a.m. | Pretrial Conference in Fuoss v. Houston, 8:05cv29                             |
| 2/14/06  | 11:00 a.m. | Pretrial Conference in Ferris v. First National, 4:04CV3286                   |
| 2/14/06  | 1:00 p.m.  | Pretrial Conference in Monarch v. Gary Cooper, 8:04CV519                      |
| 2/14/06  | 2:00 p.m.  | Pretrial Conference in Midland v. Northern Natural Gas, 8:05CV345             |
| 2/14/06  | 3:00 p.m.  | Pretrial Conference in Nelson v. Werner, 8:05CV177                            |
| 3/13/06  | 9:00 a.m.  | Jury Trial - Nelson v. Werner, 8:05CV177, 4 days                              |
| 3/16/06  | 10:00 a.m. | Pretrial Conference in Seid v. Reeves, 8:05CV207                              |
| 3/16/06  | 12:00 p.m. | Pretrial Conference in Baum v. USA, 8:04cv256                                 |
| 3/16/06  | 1:00 p.m.  | Pretrial Conference in Devon v. Hausman, 8:05CV51                             |
| 3/16/06  | 2:00 p.m.  | Pretrial Conference in USA v. Meisner, 8:05CV100                              |
| 3/27/06  | 9:00 a.m.  | NONJURY TRIAL - Midland Resources v. Northern Natural Gas, 8:05cv345 (4 days) |
| 4/3/06   | 9:00 a.m.  | 2-day NON-JURY CIVIL TRIAL, USA v. Meisner, 8:05cv100                         |
| 4/24/06  | 9:00 a.m.  | JURY TRIAL in Pendergast v. Affiliated Foods, 8:05cv271 (2-day trial)         |

|         |            |   |
|---------|------------|---|
| 4/27/06 | 11:00 a.m. | Pretrial Conference in Keim v. Alberts,<br>8:05CV273                            |
| 4/27/06 | 1:00 p.m.  | Pretrial Conference in Carrico/Sherman v.<br>McDonald's, 8:05CV65               |
| 4/27/06 | 2:00 p.m.  | Pretrial Conference in Ray v. Tyson,<br>8:05CV113                               |
| 4/27/06 | 3:00 p.m.  | Pretrial Conference in USA v. 21 Firearms<br>etc., 8:05CV20                     |
| 5/18/06 | 9:00 a.m.  | Pretrial Conference in Brooks v Lincoln<br>National Life Ins. 8:05CV118         |
| 5/18/06 | 10:00 a.m. | Pretrial Conference in Rohrberg v. Zimmer,<br>8:05CV77                          |
| 5/18/06 | 11:00 a.m. | Pretrial Conference in Benson v. Ford, et<br>al., 8:05CV54                      |
| 5/18/06 | 1:00 p.m.  | Pretrial Conference in Lisa Tyler v.<br>Trauner, Cohen & Thomas, 8:05cv203      |
| 5/22/06 | 9:00 a.m.  | Pretrial Conference in Elizabeth M. et al.<br>v. Ron D. Ross, et al., 8:02CV585 |
| 6/27/06 | 9:00 a.m.  | Pretrial Conference in Nelson v Dunning,<br>8:04cv596                           |
| 6/27/06 | 10:00 a.m. | Pretrial Conference in Hill v. Emergency<br>Dental et al., 8:04CV613            |
| 6/27/06 | 11:00 a.m. | Pretrial Conference in Yesilada v. Whitmore,<br>8:05CV01                        |
| 6/27/06 | 1:30 p.m.  | Pretrial Conference in Otoe v. Invensys,<br>8:05CV276                           |
| 9/21/06 | 10:00 a.m. | Pretrial Conference in Northern Natural Gas<br>v. Teksystem, 8:05CV316          |

3. My chambers and the Clerk of the Court shall see that copies of this memorandum and order are provided to all counsel of record and unrepresented parties in the above entitled criminal and civil cases, to all three magistrate judges, to the United States Marshals

in Omaha and Lincoln, to Mike Heavican, United States Attorney, and to David Stickman, Federal Public Defender.

DATED this 15<sup>th</sup> day of December, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge